

Appl. No. 09/960,463
Am dt.. Dated December 22, 2003
Reply to Office action of September 8, 2003

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action mailed 8 September 2003 (Paper No. 6). Claim 1 has been amended herein. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner notes that the recitation of "the pump housing" in line 4 and "the syringe pump" in line 15 of Claim 1 lack antecedent basis. Applicant has amended Claim 1 to recite a pump housing and a syringe pump and therefore submits that the recitation of these components is sufficiently definite to meet the requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claim 1 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,192,891 (hereinafter "Gravel") in view of U.S. Patent No. 5,281,395 (hereinafter "Markart"). The system taught by Gravel provides both a blood glucose monitor with a display unit and a separate display unit. By contrast, the system of the present invention includes only one display unit that simultaneously displays both the quantity of insulin dispensed and the variation in the measured blood sugar level. This data is displayed by the display unit in the form of a graph showing the quantity of insulin dispensed and the resulting variation in the blood sugar level from a reference value as a function of time as shown in Figure 29 and described at page 38, line 20 through page 39, line 22 of the instant disclosure. This is a particularly advantageous display as the doctor or user can conveniently determine an appropriate quantity of insulin to be dispensed to the user by simply comparing the data displayed on the display unit, without separately measuring the insulin quantity and blood sugar level. Applicant has amended Claim 1 to more clearly recite the way in which the control unit receives and sends this

Appl. No. 09/960,463
Amdt.. Dated December 22, 2003
Reply to Office action of September 8, 2003

information to the single display unit to be displayed in graphical form. Neither the disclosures of Gravel nor Markart teach or suggest such an interaction with the control unit nor the display of all of this information in graphical form allowing for such easy interpretation of the blood sugar-insulin dose data.

Therefore, Applicants submit that the combination of Gravel and Markart does not teach or suggest all of the limitations of Claim 1, as amended, and respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Based upon the foregoing, Applicants believe that the pending claim is in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Robert D. Traver
Robert D. Traver
Registration No. 47,999
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 22 Dec 2003